

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JENNIFER R. BRITT,

Plaintiff,

v.

Case No. 10-14463

Honorable Julian Abele Cook, Jr.

FLAGSTAR BANK, et al.,

Defendants.

ORDER

The matter presently before the court is a motion for summary judgment that has been filed by one of the Defendants, Flagstar Bank. The two remaining Defendants, Fannie Mae and Trott & Trott, have filed pleadings in which they have collectively expressed their concurrence with the relief sought by Flagstar in its presently pending motion. Magistrate Mona K. Majzoub, to whom the Flagstar motion was assigned for her review, submitted a report in which she recommended, *inter alia*, that the Court grant the relief sought by the movant in its now-pending dispositive motion. However, the Plaintiff, Jennifer R. Britt, believing that the recommendation by Magistrate Majzoub is legally flawed, has filed her objections to the report.

The Court, now having had an opportunity to review the official record in this matter (including Britt's objections), concurs with Magistrate Majzoub's recommendation and, in so doing, concludes that Flagstar's motion for summary judgment should be granted for the following reasons: (1) Britt's claims of violations of the Truth In Lending Act ("TILA"), 15 U.S.C. § 1601

et seq. and the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. §2601 are time barred; (2) Britt lacks standing to pursue these claims, in that she was never identified as a party on the mortgage or note; (3) her allegations of fraud do not satisfy the particularity requirements of Federal Rule of Civil Procedure 9(b); (4) Britt’s general accusation that the Defendants committed predatory sub-prime lending fails to state a cognizable claim under the law of Michigan; (5) she has asserted a dower right in her complaint without having proffered any legal basis for this contention; and (6) Britt’s collage of miscellaneous claims are grossly insufficient to state a viable cause of action against any of the named Defendants.

Accordingly, the report of Magistrate Judge Majzoub is accepted and adopted as the final findings and conclusions of this Court. Therefore, the Defendants’ motion for summary judgment is granted and the accusations within Britt’s complaint relating to her claims under RESPA, TILA, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, predatory sub-prime lending, and dower are dismissed with prejudice. However, her claims of fraud and violations of Michigan Compiled Law 438.31c are dismissed without prejudice. Finally, Britt’s objections to Magistrate Judge Majzoub’s report are denied.

IT IS SO ORDERED.

Date: January 4, 2012

s/Julian Abele Cook, Jr. \_\_\_\_\_  
JULIAN ABELE COOK, JR.  
U.S. District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on January 4, 2012.

s/ Kay Doaks  
Case Manager